

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NATIONAL TOBACCO COMPANY, L.P.

Plaintiff,

v.

TIMOTHY PARKER and XAVIER
MOSLEY, p.k.a. BLACKALICIOUS,
RAYMOND RILEY p.k.a. BOOTS
RILEY, SOLOMON DAVID and
MARLON IRVING, p.k.a.LIFESAVAS,

Defendants.

ECF Case

08-CV-03383(SAS)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the attached Declaration of Russell J. Chibe, Esq. dated May 30, 2008, the exhibits attached thereto, the accompanying Memorandum of Law in support of this motion dated May 30, 2008, and upon all pleadings and proceedings heretofore had herein, defendants, TIMOTHY PARKER and XAVIER MOSLEY, p.k.a. Blackalicious, RAYMOND RILEY p.k.a. Boots Riley, and SOLOMON DAVID and MARLON IRVING, p.k.a. Lifesavas (collectively "Defendants"), will move this Court on July 11, 2008 before the Honorable Shira A. Scheindlin, United States District Judge, at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York 10017 for an order dismissing the amended complaint in its entirety for improper venue and forum non conveniens and for such other and further relief as to the court may seem just and proper.

Dated: May 30, 2008

DRINKER BIDDLE & REATH LLP

s/David B. Sudzus

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*Attorneys for Defendants Timothy Parker,
Xavier Mosley, Raymond Riley, Solomon
David, and Marlon Irving*

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on May 30, 2008, I caused a true and correct copy of the foregoing Notice of Motion to be electronically filed with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to the following to all counsel for Plaintiff and Defendants as listed below:

Marcella Ballard Baker & McKenzie LLP 1114 Avenue of the Americas New York, NY 10009	Attorneys for Plaintiff
Anthony E. McNamer, Esq. McNamer and Company 519 SW Third Ave., Suite 601 Portland, Oregon 97204	Attorneys for Defendant Timothy Parker and Xavier Mosley, p.k.a. Blackalicious, Raymond Riley p.k.a. Boots Riley, Solomon David and Marlon Irving, p.k.a. Lifesavas

Dated: May 30, 2008

s/David B. Sudzus
David B. Sudzus